

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

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LEONARD JOHNSON,

*Plaintiff,*

v.

TOWN OF PROSPER, TEXAS,  
PAUL BOOTHE, and  
DOUG KOWALSKI,

*Defendants.*

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Civil Action No. 4:23-cv-650-ALM

**JOINT MOTION FOR EXTENSION OF RESPONSE DEADLINES AND PAGE LIMITS**

Plaintiff Leonard Johnson and Defendants Paul Boothe, Doug Kowalski, and the Town of Prosper, Texas, jointly move for an extension of time to file their response and reply, respectively, to Defendants' two Motions to Dismiss, filed on September 19, 2023. Dkts. 8 and 9. Plaintiff also requests an extension to the page limits in order to file a consolidated response to both of Defendants' motions. In support thereof, the Parties would show the following:

**I. ARGUMENTS AND AUTHORITIES**

*a. Deadlines*

Plaintiff filed this lawsuit on July 14, 2023. Dkt. 1. Upon completion of service, Defendants obtained a 45-day extension of time to file a responsive pleading, which reset their deadline to September 20, 2023. Defendants then timely filed their Motions to Dismiss on September 19, 2023. Dkts. 8 and 9. Per the Court's Local Rules, a response is typically due fourteen days from the filing of an opposed motion, and replies are due seven days later. L.R. CV-7(e), (f).

The Parties respectfully request the entry of a briefing schedule that permits Plaintiff an additional twenty-one days to file his response to Defendants' motions, and sets Defendants' reply deadline twenty-one days from the filing of Plaintiff's response. Accordingly, Plaintiff's response would be due on October 24, 2023, and Defendants' replies would be due November 14, 2023.

Under Rule 6, the Court may, for good cause, extend the time for an act to be done if a request is made before the original time expires. Fed. R. Civ. P. 6(b)(1)(A). Here, good cause exists to extend the Parties' briefing deadlines. Plaintiff must respond to two separate motions, dealing with distinct questions of law and fact. The extension he requests, which amounts to a total of thirty-five days to respond to both motions, is reasonable in light of the forty-five day period Defendants' initially received to file their responsive pleadings, and the additional need for Plaintiff to respond to the evidence attached to the Officer Defendants' Motion.

Should the Court grant Plaintiff's extension request, Defendants also request twenty-one days to file their reply to Plaintiff's response, because undersigned counsel will be preparing for trial in another matter before this Court slated to begin on November 6, 2023. A November 14, 2023 reply deadline is reasonable in light of undersigned counsel's trial schedule.

*b. Page Limits*

Plaintiff also requests an enlargement of the page limits set by Local Rule CV-7(a)(1), which caps briefing on dispositive motions at thirty pages, unless a party obtains leave to exceed those limits. Plaintiff intends to file a consolidated response to Defendants' two Motions to Dismiss. Because his consolidated response will address the arguments raised in both of Defendants' Motions, Plaintiff requests an additional fifteen (15) pages for his response brief, for a total of forty-five (45) pages. This ensures Plaintiff receives an equal amount of space to

respond, as Defendants' collectively devoted to their own Motions—thirty pages for the Officer Defendants, and fifteen pages for the Town of Prosper.

## II. CONCLUSION

Good cause exists to set the briefing schedule requested by the Parties, and to extend the page limits for Plaintiff's response. As a result, the Parties respectfully request the Court grant their Motion.

Date: September 22, 2023

Respectfully submitted,

/s/ Peter B. Steffensen

Peter B. Steffensen  
Texas State Bar No. 24106464  
psteffensen@smu.edu  
SMU DEDMAN SCHOOL OF LAW  
FIRST AMENDMENT CLINIC  
P.O. Box 750116  
Dallas, TX 75275  
Telephone: (214) 768-4077  
Facsimile: (214) 768-1611

/s/ Thomas S. Leatherbury

Thomas S. Leatherbury  
Texas State Bar No. 12095275  
Thomas S. Leatherbury Law, PLLC  
Cumberland Hill School Building  
1901 N. Akard Street  
Dallas, Texas 75201  
tom@tsleatherburylaw.com  
Telephone: (214) 213-5004

***Counsel for Plaintiff***

By: /s/ Robert J. Davis

**ROBERT J. DAVIS**

State Bar No. 05543500

**J. BAILEY McSHANE**

State Bar No. 24104388

**MATTHEWS, SHIELS, KNOTT,**

**EDEN, DAVIS & BEANLAND, L.L.P.**

8131 LBJ Freeway, Suite 700

Dallas, Texas 75251

972/234-3400 (office)

972/234-1750 (telecopier)

[bdavis@mssattorneys.com](mailto:bdavis@mssattorneys.com)

[bmcsbane@mssattorneys.com](mailto:bmcsbane@mssattorneys.com)

**ATTORNEYS FOR DEFENDANTS**

**THE TOWN OF PROSPER, TEXAS, PAUL**

**BOOTHE, and DOUG KOWALSKI**

**CERTIFICATE OF SERVICE**

I hereby certify that on September 22, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Peter B. Steffensen

Peter B. Steffensen